

FOR MAIL TO

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Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Enclosed is a reply to comments in MM Docket No 98-35. 5 Copies are enclosed.

Sincerely,

Paul Hemmer
President/General Manager
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To: The Commission in the matter of 1998 Biennial Regulatory Review

Reply Comments of Paul E. Hemmer of Hemmer Broadcasting Co.

Hemmer Broadcasting Co, respectfully submits these Reply Comments in response to the Commission's 1998 Biennial Regulatory Review of Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act. As an independent operator, I cannot afford expensive Washington, D.C. legal assistance, so I apologize in advance for any variance in proper form in this letter of comment.

I wish to address issues regarding the local radio ownership rules, particularly in small or medium sized markets.

Since the early days of the "take over era" I have been outspoken in my believe that no corporation should be entitled to a "monopoly" of radio signals in a community. With the Communications Act of 1935 stations were licensed to **individual communities** to serve the public **Interest, Convenience and Necessity** of those communities. Now it appears that stations licenses are issued to large corporations only to serve the Board of Directors interested in making profits. Communities that used to have "their radio station" now have only a set of call letters and programming is done from a "central studio" miles away. Little or no attempt is made to truly serve the listeners of the community of license.

In the **Arbitron** defined "Dubuque Market", persons in the largest population area (the City of Dubuque) can effectively hear 8 local radio signals, including KLYV-FM, KXGE-FM, WJOD-FM, KIKR-FM, WDBQ-AM (all operated by one large broadcast company) KATF-FM and KDTH-AM (owned by the local newspaper) and KGRR-FM (independent).

Additionally, two radio stations are licensed to Lancaster, Wisconsin and Platteville, Wisconsin, (now owned by one large company which also owns television properties in Madison, WI and elsewhere) and another radio station is licensed to Dyersville, IA. Although their signals overlap into the **Arbitron** defined "Dubuque Market", they have little or no listener impact in the City of Dubuque and their owners or managers will tell you that less than 4% of their advertising revenue is generated from City of Dubuque businesses. They have been radio stations licensed to their individual communities to serve their own "Interest", "Convenience" and "Necessity" - precisely what the Communications Act was created to do.

It is my belief that the method of measuring “**overlapping contours**” to define a radio market does not give a true picture of that radio market. Small communities such as Lancaster, WI. and Platteville, WI. and Dyersville, IA. are loyal to their local radio stations because of services provided to them such as local sports play by play, church services, news and obituary reports, etc. They are distinct, unique radio stations created in the image of their communities. These small town stations provide programming that mirrors the image of the town. Persons in the larger nearby communities, such as Dubuque, have little or no interest in much of the local programming created for these small towns - even if their radio signals happen to overlap into the larger community.

Arbitron places “diaries” in these towns, and associated rural areas, because the broadcast signals of the large community reach into those areas. Therefore, some of the small town stations show up in **Arbitron** reports - usually with small ratings points - but those points are the result of loyal “hometown” listeners - not persons who listen in the larger community. The signals may “overlap”, but listenership doesn’t.

Although I have my sincere beliefs based on my 39 years in the radio industry, I believe it is important to get a variety of opinions on proposed mergers. Public notices on multi-station takeovers should be posted with a clear description of exactly:

- a) what radio stations will be controlled by a single corporation;
- b) the background and financing of that corporation;
- c) and their programming plans for the future.

Local advertisers in the community of license should be queried, and advertising agencies should be given the opportunity for input on what they believe such mergers will do to the radio market.

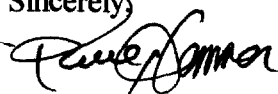
Public hearings should be held to determine if the new applicants are going to provide the type of service to the community that they want. This has been common when a cable television company, gas or electric company comes into a community. Is the control of a majority of radio signals any less important than those entities?

De-regulation of our beloved industry was not all positive. I believe that **now** is the time to create policy and guidelines which give more public input to radio broadcast mergers.

Finally, I ask this question. If a corporation comes into a community and purchases 5 or more radio stations, even if the total revenue and ratings figures fall **under** the guidelines of the Dept. of Justice, does that corporation plan to let those stations remain at their level of revenue and ratings, or is it their plan to **grow** from that point, and potentially attract a majority (monopoly) of the radio listeners?

I believe this is a very serious matter which speaks directly to the heart and soul of radio broadcasting today and well into the foreseeable future. I appreciate your consideration of my point of view.

Sincerely,



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